

1885-005
Lee Co.

Chancery Causes: Elisha Bishop vs. Robert Clark

CA-Debt
T-Property

To The Honorable John A. Kelly Judge of The Circuit
Court of Lee County

Humbly complaining, your Orator
Elisha Bishop, would respectfully shew to your
Honor, That at the August Term 1876 of the cir-
cuit Court of Lee County Virginia he obtained
in said Court a judgment against Robert Clark
of said County for the sum of \$416.29 with legal
interest thereon from the 22nd day of January 1874
till paid and \$7.58 costs, on which said judgment
a writ of fieri facias was duly issued from the
Clerks Office of said Court directed to the Sheriff
of said County returnable to the Rule
1876, which said writ was placed in the hands of
Thomas S. Ely Sheriff of said County to be executed
and was on the return day thereof returned by
said Sheriff with the following return endorsed
thereon, "No property found" Thos S. Ely S. C.
Your orator will further shew your honor that for
more certainty he sued out another writ of fieri facias
against the goods and chattels of the said Clark
which said writ was placed in the hands of Thom-
as Ely Deputy for Thos S. Ely Sheriff of said County
for execution Returnable to the February Rules 1877
which said writ was returned with the following
endorsement "No property found subject to levy
Thomas Ely D. for Thomas S. Ely S. C. all of which
more fully appears by reference to the said judgments

and said two writs of fieri facias with the returns
thereon and oral copies of which are filed herewith
as part here of Mooted respectively (A)(B)(C).

Your orator further states that the said Robert Clark
is seized and possessed in fee simple of a tract of
land lying and being in said County containing
more or less ^{acres}, and adjoining the lands of ~~Martin~~
~~Simon & his~~ Jeremiah Mullins and others but for
a more particular description thereof a copy of the
deeds by which the same is holden is filed herewith as
part here of Mooted (D); That your orator is advised
that his said judgment, or part of which has been paid,
is a lien under the statute law of Virginia on a said
real estate. That the rents and profits of said land
will perhaps pay his said judgment in five years.
The premises considered your orator is without
remedy at common law and relievable only in
a court of equity where matters of this kind
are alone cognizable. He therefore prays that the
said Robert Clark be made a party defendant to
this bill and that he be required to answer its sev-
erally allegations on oath, that he especially
answer and say how much real estate he owns
^{when situated &c.}
and what would be a fair cash rental value there-
of per annum. That if the rents and profits will
in five years pay your orator's judgment and
costs, the costs of this suit and commissions of
viewing, that the same may be ruled as the

law directs but that if the rents and profits are
insufficient therefor then that the said real
estate or a sufficient quantity thereof ~~may~~
may be sold to pay the same and that your
Honor will grant unto your Orator such fur-
ther and general relief as may be consistent
with equity and the case requires.

May the Commonwealths writ of Habeas
and as in duty bound he will ever pray &c

Morison & Duncan P. 2.

#6000 p4. 51

(M+D)

Elisha Bishop
vs 3 Orig'l Bill
Robert Clont

Exhibits A B C D filed

1877 Feb'l, Bill Filed, Sp'd
Executed, & Decree nisi.

" Mr Decree nisi confirmed
& set for hearing C. P. Cliff.

" Mr Decree for setting.

" Aug's Decree & Contd.

in vol. Contd.

1878. Mr. Aug & Nov Contd.

1879. Mr. Aug & Nov Contd.

1880. Mr & Aug Contd.

1881. Mr Contd. Aug Contd.

1882. Mr. Aug. & Nov. Contd.

1883. Mr. Aug. & Nov. Contd.

1884. Continued

1885 Mr Decree final

C 4.72

A 15.00

S 50

\$20.42

Estimated 10.00

\$30.42

C 4.72

Elisha Bishop.

Plff

v.s.

3 In chcy,

Robert Clorick

Def.

This cause came on this day to be further heard upon the papers heretofore read the report of C. T. Duncan Special Commissioner this day filed in Open Court and was argued by Counsel. And it appearing by said report that the matters involved in this cause have been fully settled said report is confirmed and the cause stricken from the docket.

Oliver Bishop

vs $\frac{2}{3}$ Deca final

Robert Clough

March Term. 1886.

Entered O. B. page
H 45

J. R. Gibson on d. c.

Enter this decree
J. A. K.

March 28th 1886

Delisha Bishop.

vs

Robert Brown

Plff

In chancery.

Deft

This cause came on again to be heard
on this 4th day of September 1877. upon the papers
formerly read in the cause and the report of
Special Commissioner C. F. Duncan filed on the
9th day of July 1877. and it appearing to the Court
that said decree has been filed for more than ten
days before the first day of this term, and that
no exceptions have been filed thereto said report
is confirmed. On consideration whereof it is
adjudged ordered and decreed that said com-
missioner proceed to collect the said several
installments for which he rented said land as
they become due, but before proceeding to execute
this decree he will give bond before the clerk of
this court in the sum of One thousand dollars
that he will faithfully pay the said money to
the plaintiff when the same is collected and he
will from time to time report his action to court
and this cause is continued till the next term.

Elisha Bishop

vs ~~3~~ Deane

Robert Clark

Entered page 659

Jas. W. Orr clerk

Enter
J. A. K.
Apr 4/77

Oliver Bishop.

Plaintiff

vs

In Chancery

Robert Clark.

Defendant.

This cause came on this 31 day of March 1877. to be heard on the bill and exhibits filed therewith the process returned duly executed and was argued by counsel and it appearing to the Court that the defendant has been duly summoned to answer the allegations of this bill for more than two months before the first day of this term and he still failing to appear answer plead or demur the bill is taken for confessed and it further appearing to the Court that the Plaintiff's judgment is a lien upon all the real estate of the defendant situated in this County, and it being admitted that the rents and profits of said real estate will in five years pay the Plaintiff's judgment interest and costs and the costs of this suit. On consideration whereof and for reasons appearing to the Court it is adjudged ordered and decreed that unless the said defendant or someone for him shall within 30 days from the date of this decree pay to the Plaintiff the full amount of his judgment interest and costs and the costs of this suit then that C. I. Duncan who is hereby appointed a commissioner for the purpose do proceed at the front door of the Court house of Lee County on some Court day to rent all the lands belonging to the defendant situated in this County for a period of time sufficient to pay the Plaintiff's debt interest and costs and the costs of ^{this suit} _{for}

and costs and commissions of renting. The
commissions will require to be paid down in
cash a sum sufficient to pay the costs of this
suit and the costs and commissions of renting
for the remainder he will take notes payable in
annual installments bearing interest from date
and with good personal security waiving the
homestead exemption. But before proceeding to
execute this decree the commissioner will give
notice of the time times and place of renting
by posting written notices at at least three
public places in said county one of which
shall be on the front door of the court house
and another in the neighborhood of the land
and he will report his proceedings to the next term
of this Court till which time this case is
continued

Charles Bishop

vs
Deane

Robert Clark

Entered Order Book

page 62 + 63.

James W. Ormiston

Center

J. A. K.

Mar 31/77

To the Hon. John A. Kelly Judge of the Circuit Court
of Lee County.

The undersigned who was, by decree of
of your Honors Court ordered and pronounced
on the 31st day of March 1877. in the Chancery Cause
of Elecha Bishop vs. Robert Clark, appointed a Spe-
cial Commissioner for the purpose of renting the
lands of the said Clark in the bill mentioned.
Respectfully reports that after giving notice of the
true place and time of renting, by posting no-
tices in the manner prescribed by said Decree,
at the front door of the Court House of Lee County
Va on Monday the 7th day of May 1877 your Com-
missioner proceeded to rent the lands of the said
Robert Clark for a period long enough to pay
the judgment in the bill and proceedings mention-
ed the costs of suit and Commissions of renting
where the said Robert Clark agreed and undertook
to pay the same for the use of said lands for
the shortest period of time, and he executed
to your Commissioner his notes, with James M.
Jayne & S. Bishop for security for the sum of
\$501.06, payable in three installments of \$167.02 each
payable respectively on the 1st day of March 1878, 1879
& 1880, which notes are filed herewith as part hereof
marked 1, 2, & 3. Your Commissioner required
him to pay down in cash the costs of suit at law
costs of this suit and commissions of renting

as follow. To wit Costs at law \$700 Costs of
Chancery suit \$25.42 Commissions \$19.96 aggreg-
ating the sum of \$52.08. and of this sum
your Commissioner retained as commissions
the sum of \$19.66. and as Attorney the sum of
\$15.00. he paid to James H. Orr. this fee bill
in suit at law and this suit amounting to
\$7.92 and took his receipt therefor which
is filed here with marked (4) To Thom Ely
Sheriff \$1.00 his costs in each suit and file
his receipt marked (5) which covers still
in your Commissioner's hands for estimate
costs the sum of \$8.50 your Commissioner
took notes bearing interest from date. He deems
the surety ample and is of opinion that the
arranging here made is more advantageous to
both Plaintiff and defendant than any other
perhaps that could be made he therefore
recommends that the same be confirmed.

Respectfully Submitted

L. J. Duncan Special
Commissioner

Elisha Bishop

vs. ~~3~~ Report No. 1
of
~~3~~ Leonor. Duncan

Robert Colvill

Filed July 9th 1877.
James W Orr. clerk

Elisha Bishop

Plff

vs

} In chcy.

Robert Clark

Def.

To the Hon John A Kelly Judge of the
Circuit Court of Lu County 5th

The undersigned Special Commissioner
in the above styled cause begs leave to report that
~~that the notes~~ presented to him as loan by
Robert Clark for the land rented to him has
been fully paid. A part of the money was
paid by the said Clark ~~to the Plaintiff~~
himself and the residue to your Court
who has paid out all received by him
and has taken proper receipts therefor
except the sum of \$ which is now
in his hands ready for payment.

There remains nothing else to be done and
the cause may be stricken from the docket

March 28th 1886

Respectfully submitted
C. J. Duncan Special
Commissioner.

Elisha Bishop
vs General
Report
Robert Clark

Filed in Open Court
by Leon Thurap
March 28th 1885-
J. Hestiyatt
cc

Virginia,

At a circuit court continued and held for Lee
County, at the courthouse thereof, on Friday the 8th
day of August 1876.

Elish Bishop

vs

Robert Clark

Pctff.

Def.

In Debt.

The defendant not appearing, it is considered by the
court, that the judgment obtained against him in
the clerk's office for \$416.69 the debt in the declaration
mentioned, with legal interest thereon from the 22nd
day of January 1874, until paid and the costs, be
made final.

64.00
22.50
37.50

A Copy

Teste R. W. Orr Jr. D. C.

Elisha Bishop
vs ³/₃ copy of J. J. J.
Robert Clark

(A)

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Lee county - - - Greeting:

WE COMMAND YOU, THAT OF THE GOODS AND CHATTLES OF *Robert Clark*

late in your bailiwick, you cause to be made \$ *416.69* with legal interest thereon, from the *22nd* day of *January* 187*4*, till paid; which *Elish Bishop*

lately, in our *circuit* Court of Lee county, has recovered against *him* by suit for *debt* also, \$ *7.00* which to the said *Elish Bishop* in our said Court were adjudged for *his* costs, in that behalf expended, whereof the said *Clark* is

convicted, as appears to us of record. And that you have the same before the Judge of our said Court at the Court-House on the first Monday in *November* next, to render to the said *Bishop* of the *Debt* and costs aforesaid. And have then there this writ. Witness, JAMES W. ORR, Clerk of our said court, at the Court House, this *11th* day of *September* 187*6*, in the 100th year of the Commonwealth.

699.00
a 2.50
3 50
701.00
700.00

A copy
James W. Orr CLERK.
Sister R. W. Orr Jr. & Co

92) (5) (mod)

Elisha Bishop

vs } Li La

3
Robert Belark

Nov. Rules 1876

To property found

Shos S. Ely S. L. C.

Accty

State R. W. Corp. D. C.

(RB)

By the first day of March 1877. We or either of
us bind ourselves here to pay C. J. Duncan
Commissioner in the Chancery cause of
Elisha Bishop against Robert Clouse the
sum of One hundred and ~~sixty~~ seven dollars
and two cents with interest from date Value
received. And as to this obligation we and
each of us waive the benefit of our homestead
exemption Witness our hands and seals
this 7th day of May 1877.

Robert Clouse
James W. Payne
E. S. Bishop

1879 Febry 15th by cash. \$12922

(2)

(5)

Received of C. L. Duncan Comr in the Chancery
Cause of Elisha Bishop vs Robert Clark. Seven dollars
& 92 cents my costs in said cause, to Nov 1877.

May 12th 1877,

James W Orr, Clerk.

At law 3.00

In chy 4.92

\$ 7.92

Jas W Orr
Lo Recd \$7.75
C. T. Duncan

4

Robert Clark -

To. C. L. Duncan. Commissioner.

To Note. Granted for Bishop's debt due 1st day
of March 1879. with interest from 7 May 1879 167.⁰⁰

Interest on same to Nov 22. 79 25.47

Or By Receipt of Jam Warner. Nov 22 79. $\frac{15.00}{\$10.47}$

Interest on same to 1st March 1880 $\frac{2.70}{13.17}$

By Jam Warner Receipt. $\frac{10.00}{3.17}$

Interest to Dec 23. 1880. $\frac{8.07}{11.24}$

Or By Jam Warner Receipt. Dec 23 80. $\frac{5.00}{6.24}$

Int to April 14th 1881. $\frac{3.06}{9.30}$

Or By Jam Warner Receipt dated April 14/ 81. $\frac{176.32}{20.32}$

Int on same to Nov 28th 1881. $\frac{156.02}{5.80}$

Or By Jam Warner Receipt dated Nov 28 1881. $\frac{182.18}{19.85}$

Int on same to Nov 29th 1881. $\frac{\$142.33}{71}$

Or By Jam Warner Receipt dated Dec. 29 1881. $\frac{143.04}{5.00}$

Int to Dec 29th 1882 $\frac{\$93.04}{5.58}$

Int to March 1st 1880

By cash $\frac{\$20}{50.00}$

$\frac{98.62}{99.55}$
 $\frac{20.00}{79.55}$
 $\frac{50.00}{29.55}$

~~7.10.10~~
\$2.10

The Commonwealth of Virginia:

TO THE SHERIFF OF LEE COUNTY---Greeting:

WE COMMAND YOU TO SUMMON *Robert Clark*

to appear before the Judge of the Circuit Court of Lee County, at the Court-House, in the Clerk's Office, at *February* Rules next, to answer a bill in Chancery exhibited in our said Court against *him by Elisha Bishop*

And have then there this writ. Witness. JAMES W. ORR, Clerk of our said court, at the Court-House, this *27th* day of *January* 1877, in the *101st* year of the Commonwealth.

James W. Orr. Clerk.

1442
Elisha Bishop

vs } Spa in Chancery.

Robert Clark.

Feb Rules 1877.

Executed

Wm Doyle D.S.
for Thos Sely. S.L.C.